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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Rec'd PCT/PTO 30 DEC 2004

Applicant's or agent's file reference 107888/KR	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/NO 03/00167	International filing date (day/month/year) 22.05.2003	Priority date (day/month/year) 01.07.2002
International Patent Classification (IPC) or both national classification and IPC G07F7/10		
Applicant SOSPITA AS et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. ~~This REPORT consists of a total of 5 sheets, including this cover sheet.~~

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 30.01.2004	Date of completion of this report 18.08.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Wiedmeyer, V Telephone No. +49 89 2399-2273 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/NO 03/00167

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-17 as published

Claims, Numbers

1-27 as published

Drawings, Sheets

1/10-10/10 as published

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer-readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/NO 03/00167**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-27
	No: Claims	
Inventive step (IS)	Yes: Claims	1-27
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-27
	No: Claims	

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/NO 03/00167

Re Item V

Reasoned statement under Article 35(2) PCT with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

The following document has been considered for the purposes of this report:

D1: WO-A-00/46666

1. Independent Claims 1, 10, 16, 19, 21 and 24 relate to an improvement of a conventional method of uploading code of a software application onto an external unit for execution, by sequentially and automatically uploading a plurality of different independently executable blocks of protected code to the external unit, each block of the protected code having a function call with arguments that are encrypted executable machine code, and decrypting and executing the blocks in the external unit using only the processor and the memory of the external unit.

In the present case, however, it would have been appropriate to define the invention in only one independent method claim taking into account that the following features are well-known in the art (see document D1):

method of executing software code of a software program on an external unit, wherein the external unit is in communication with a computer, the computer including a memory for holding the software code, and the external unit including an input/output for communication with the computer, a processor and a memory;

and that the invention is distinguished from the aforementioned prior art in that

protected software code is parsed into a plurality of different blocks of code, each block of the protected software code being independently executable and having a function call with arguments that are encrypted executable machine code, the blocks are sequentially and automatically uploaded to the memory of the external unit and decrypted and executed in the external unit using only the processor and

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/NO 03/00167

the memory of the external unit, wherein subsequent blocks of code overwrite previously uploaded blocks of code in the memory of the external unit.

Only with these features it is possible to achieve the object of the invention, i.e. to upload dynamically, at runtime, protected blocks of software code to a secure external unit (e.g. a smart card) for decryption and execution so that a secure co-processor environment is provided and the software code to be executed in the external unit is not constrained by the size of the memory in the external unit.

2. Claims 2 - 9, 11 - 15, 17, 18, 20, 22, 23 and 25 - 27 contain modifications of the inventive idea and would also meet the requirements of Article 33(2) and (3) PCT.

BEST AVAILABLE COPY

PATENT COOPERATION TREATY

Rec'd PCT/PTO 30 DEC 2004

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

BRYN & AARFLOT AS
P.O. Box 449 Sentrum
0104 Oslo
NORVEGE

BRYN AARFLOT AS

20 AUG. 2004

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT
(PCT Rule 71.1)

Date of mailing
(day/month/year)

18.08.2004

Applicant's or agent's file reference
107888KR

IMPORTANT NOTIFICATION

International application No.
PCT/NO 03/00167

International filing date (day/month/year)
22.05.2003

Priority date (day/month/year)
01.07.2002

Applicant
SOSPITA AS et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.

2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.

3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER


The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the International
preliminary examining authority:

 European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized Officer

MONTANES VILLANUEVA


Tel. +49 89 2399-2934



PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 107888/KR	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
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International Patent Classification (IPC) or both national classification and IPC G07F7/10		
Applicant SOSPITA AS et al.		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>		
Date of submission of the demand 30.01.2004	Date of completion of this report 18.08.2004	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Wiedmeyer, V Telephone No. +49 89 2399-2273	

**INTERNATIONAL PRELIMINARY
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**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/NO 03/00167**

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

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	No: Claims	

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/NO 03/00167

Re Item V

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1. Independent Claims 1, 10, 16, 19, 21 and 24 relate to an improvement of a conventional method of uploading code of a software application onto an external unit for execution, by sequentially and automatically uploading a plurality of different independently executable blocks of protected code to the external unit, each block of the protected code having a function call with arguments that are encrypted executable machine code, and decrypting and executing the blocks in the external unit using only the processor and the memory of the external unit.

In the present case, however, it would have been appropriate to define the invention in only one independent method claim taking into account that the following features are well-known in the art (see document D1):

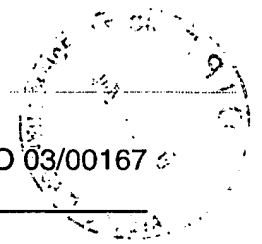
method of executing software code of a software program on an external unit, wherein the external unit is in communication with a computer, the computer including a memory for holding the software code, and the external unit including an input/output for communication with the computer, a processor and a memory;

and that the invention is distinguished from the aforementioned prior art in that

protected software code is parsed into a plurality of different blocks of code, each block of the protected software code being independently executable and having a function call with arguments that are encrypted executable machine code, the blocks are sequentially and automatically uploaded to the memory of the external unit and decrypted and executed in the external unit using only the processor and

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/NO 03/00167



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Only with these features it is possible to achieve the object of the invention, i.e. to upload dynamically, at runtime, protected blocks of software code to a secure external unit (e.g. a smart card) for decryption and execution so that a secure co-processor environment is provided and the software code to be executed in the external unit is not constrained by the size of the memory in the external unit.

2. Claims 2 - 9, 11 - 15, 17, 18, 20, 22, 23 and 25 - 27 contain modifications of the inventive idea and would also meet the requirements of Article 33(2) and (3) PCT.

PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

NOTICE INFORMING THE APPLICANT OF THE
COMMUNICATION OF THE INTERNATIONAL
APPLICATION TO THE DESIGNATED OFFICES

(PCT Rule 47.1(c), first sentence)

To:

Rec'd PCT/PTO 30 DEC 2004

BRYN AARFLOT AS
P.O.Box 449
N-0104 Oslo
NORVÈGE

BRYN AARFLOT AS
19 JAN. 2003

Date of mailing (day/month/year) 08 January 2004 (08.01.2004)		
Applicant's or agent's file reference 107888/KR		
International application No. PCT/NO2003/000167	International filing date (day/month/year) 22 May 2003 (22.05.2003)	Priority date (day/month/year) 01 July 2002 (01.07.2002)
Applicant SOSPITA AS et al		

IMPORTANT NOTICE

1. Notice is hereby given that the International Bureau has communicated, as provided in Article 20, the international application to the following designated Offices on the date indicated above as the date of mailing of this notice:

AU, AZ, BY, CH, CN, CO, DE, DZ, EP, HU, JP, KG, KP, KR, MD, MK, MZ, RU, TM, US

In accordance with Rule 47.1(c), third sentence, those Offices will accept the present notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

2. The following designated Offices have waived the requirement for such a communication at this time:

AE, AG, AL, AM, AP, AT, BA, BB, BG, BR, BZ, CA, CR, CU, CZ, DK, DM, EA, EC, EE, ES, FI, GB, GD, GE, GH, GM, HR, ID, IL, IN, IS, KE, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MG, MN, MW, MX, NI, NO, NZ, OA, OM, PH, PL, PT, RO, SC, SD, SE, SG, SK, SL, TJ, TN, TR, TT, TZ, UA, UG, UZ, VC, VN, YU, ZA, ZM, ZW

The communication will be made to those Offices only upon their request. Furthermore, those Offices do not require the applicant to furnish a copy of the international application (Rule 49.1(a-bis)).

3. Enclosed with this notice is a copy of the international application as published by the International Bureau on 08 January 2004 (08.01.2004) under No. WO 2004/003861

4. **TIME LIMITS for filing a demand for international preliminary examination and for entry into the national phase**

The applicable time limit for entering the national phase will, subject to what is said in the following paragraph, be 30 MONTHS from the priority date, not only in respect of any elected Office if a demand for international preliminary examination is filed before the expiration of 19 months from the priority date, but also in respect of any designated Office, in the absence of filing of such demand, where Article 22(1) as modified with effect from 1 April 2002 applies in respect of that designated Office. For further details, see *PCT Gazette* No. 44/2001 of 1 November 2001, pages 19926, 19932 and 19934, as well as the *PCT Newsletter*, October and November 2001 and February 2002 issues.

In practice, time limits other than the 30-month time limit will continue to apply, for various periods of time, in respect of certain designated or elected Offices. For regular updates on the applicable time limits (20, 21, 30 or 31 months, or other time limit), Office by Office, refer to the *PCT Gazette*, the *PCT Newsletter* and the *PCT Applicant's Guide*, Volume II, National Chapters, all available from WIPO's Internet site, at <http://www.wipo.int/pc/en/index.html>.

For filing a demand for international preliminary examination, see the *PCT Applicant's Guide*, Volume I/A, Chapter IX. Only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination (at present, all PCT Contracting States are bound by Chapter II).

It is the applicant's sole responsibility to monitor all these time limits.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Gijsbertus Beijer - Carlos Roy
Facsimile No.(41-22) 740.14.35	Telephone No.(41-22) 338.91.11

INTERNATIONAL SEARCH REPORT

International application No.

PCT/NO 03/00167

A. CLASSIFICATION OF SUBJECT MATTER

IPC7: G07F 7/10, G06F 9/44, G06K 19/073

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC7: G06F, G07F, G06K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

SE,DK,FI,NO classes as above

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

EPO-INTERNAL, WPI DATA, PAJ

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 0068902 A1 (MICROSOFT COPR), 16 November 2000 (16.11.00), page 4, line 1 - page 5, line 12, figures 3,5, claims 1-2, abstract --	1-27
X	WO 0046666 A2 (SUN MICROSYSTEMS, INC), 10 August 2000 (10.08.00), page 2, line 8 - page 4, line 14, claim 1, abstract --	1-27
X	WO 9852160 A2 (MONDEX INTERNATIONAL LTD), 19 November 1998 (19.11.98), page 5, line 7 - line 20, figures 1-4, claim 1, abstract --	1-27

☒ Further documents are listed in the continuation of Box C.☒ See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance: the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance: the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&" document member of the same patent family

Date of the actual completion of the international search

23 Sept 2003

Date of mailing of the international search report

25 -09- 2003

Name and mailing address of the ISA/

Swedish Patent Office

Box 5055, S-102 42 STOCKHOLM

Facsimile No. +46 8 666 02 86

Authorized officer

Pär Heimdal /LR

Telephone No. +46 8 782 25 00

INTERNATIONAL SEARCH REPORT

International application No.

PCT/NO 03/00167

C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	WO 9843212 A1 (VISA INTERNATIONAL SERVICE ASSOCIATION), 1 October 1998 (01.10.98), abstract --	1-27
A	EP 0949595 A2 (CITICORP DEVELOPMENT CENTER, INC), 13 October 1999 (13.10.99), abstract -- -----	1-27

INTERNATIONAL SEARCH REPORT

Information on patent family members

26/07/03

International application No.

PCT/NO 03/00167

Patent document cited in search report			Publication date	Patent family member(s)			Publication date
WO	0068902	A1	16/11/00	AU	4712000	A	21/11/00
				EP	1179209	A	13/02/02
WO	0046666	A2	10/08/00	AU	2979200	A	25/08/00
				BR	0007937	A	06/11/01
				CA	2361411	A	10/08/00
				CN	1359491	T	17/07/02
				EP	1149337	A	31/10/01
				JP	2002536743	T	29/10/02

INTERNATIONAL SEARCH REPORT

Information on patent family members

26/07/03

International application No.

PCT/NO 03/00167

Patent document cited in search report			Publication date	Patent family member(s)	Publication date
WO	9852160	A2	19/11/98	AU 736325 B	26/07/01
				AU 6299698 A	09/09/98
				AU 7776798 A	08/12/98
				AU 7776898 A	08/12/98
				AU 7776998 A	08/12/98
				AU 7777098 A	08/12/98
				AU 7777198 A	08/12/98
				AU 7777298 A	08/12/98
				AU 7777398 A	08/12/98
				AU 7777498 A	08/12/98
				DE 69807210 D,T	24/04/03
				DE 69813208 D	00/00/00
				EP 0963580 A	15/12/99
				EP 0976114 A,B	02/02/00
				EP 0981805 A,B	01/03/00
				EP 0981807 A	01/03/00
				EP 0985202 A	15/03/00
				EP 0985203 A	15/03/00
				EP 0985204 A	15/03/00
				JP 2001513231 T	28/08/01
				JP 2001525956 T	11/12/01
				JP 2001525957 T	11/12/01
				JP 2001525958 T	11/12/01
				JP 2001527674 T	25/12/01
				JP 2001527675 T	25/12/01
				JP 2002512715 T	23/04/02
				US 6164549 A	26/12/00
				US 6220510 B	24/04/01
				US 6230267 B	08/05/01
				US 6317832 B	13/11/01
				US 6328217 B	11/12/01
				US 6385723 B	07/05/02
				US 6488211 B	03/12/02
				US 6575372 B	10/06/03
				US 2001056536 A	27/12/01
				US 2002050528 A	02/05/02
				US 2003024980 A	06/02/03
				WO 9837526 A	27/08/98
				WO 9852152 A	19/11/98
				WO 9852153 A	19/11/98
				WO 9852158 A	19/11/98
				WO 9852159 A	19/11/98
				WO 9852161 A	19/11/98
				WO 9852162 A	19/11/98
				WO 9852163 A	19/11/98
				US 6254098 B	03/07/01
WO	9843212	A1	01/10/98	AU 746459 B	02/05/02
				AU 6578698 A	20/10/98
				EP 1004992 A	31/05/00
				EP 1021801 A	26/07/00
				US 6005942 A	21/12/99
				US 6233683 B	15/05/01

Information on patent family members

PCT/NO 03/00167

26/07/03

Form PCT/ISA/210 (patent family annex) (July 1998)